

61-8-816. Commencement of commercial driver's license suspension or disqualification. A suspension or disqualification under this part commences either from the date of receipt by the department of a report of conviction from a court or another licensing jurisdiction or the day following the completion of a previously imposed period of suspension or disqualification, whichever occurs later.

History: En. Sec. 4, Ch. 428, L. 2005.

Compiler's Comments

Effective Date: Section 40(1), Ch. 428, L. 2005, provided that this section is effective October 1, 2005.

61-8-817. Notification to other states of traffic violations. The department, upon receipt of a report of a conviction or a violation of any state or local law relating to motor vehicle traffic control, other than a parking violation, by a person who holds a commercial driver's license from another state or who is licensed in another state, shall report the conviction to the licensing entity in the state where the driver is licensed as follows:

- (1) beginning September 30, 2005, within 30 days of conviction; and
- (2) beginning September 30, 2008, within 10 days of conviction.

History: En. Sec. 5, Ch. 428, L. 2005.

Compiler's Comments

Effective Date: Section 40(1), Ch. 428, L. 2005, provided that this section is effective October 1, 2005.

Part 9 Professional Tow Trucks

Part Cross-References

Removal and sale of abandoned vehicles, Title 61, ch. 12, part 4.

61-8-901. Short title. This part may be cited as the "Montana Professional Tow Truck Act".

History: En. Sec. 1, Ch. 283, L. 1995.

61-8-902. Purpose. The legislature recognizes that:

- (1) wrecked, disabled, and abandoned motor vehicles on the public roadways create hazards that imperil lives and property and require expeditious removal;
- (2) officers investigating accidents on the public roadways need immediately available towing and recovery vehicles staffed by competent operators and adequately equipped to clear the roadways and remove hazardous obstructions with minimum damage to property;
- (3) certain standards and classifications are needed for professional tow trucks and equipment used for towing and recovering wrecked, disabled, and abandoned motor vehicles or other objects creating hazards on the public roadways;
- (4) encouragement of a competitive and qualified professional towing industry requires establishment of a uniform and equitable qualification system based on the equipment and the standards provided in 61-8-905 through 61-8-907 and a system for the fair consideration of all qualified tow truck companies; and
- (5) the use of nonqualified tow truck companies or private motor vehicles to tow or recover for hire wrecked, disabled, or abandoned vehicles creates additional hazards and, except in limited situations, should be prohibited. However, when a person or tow truck company responds in good faith to life-threatening emergency situations, it should not be liable for civil damages for acts or omissions, other than damages occasioned by gross negligence or by willful or wanton acts or omissions.

History: En. Sec. 2, Ch. 283, L. 1995.

61-8-903. Definitions. As used in this part, the following definitions apply:

- (1) "Boom" means an engineered structure that is either mechanically or hydraulically operated and that is capable of lifting and supporting an overhead, vertical load.
- (2) "Commercial tow truck operator" or "operator" means a person, firm, or other entity that owns or operates a commercial tow truck as defined in 61-9-416.
- (3) "Department" means the department of justice provided for in 2-15-2001.
- (4) "Local government" means a county, a municipality, or other local board or body that has authority to enact laws relating to traffic.
- (5) (a) "Qualified tow truck operator" means a commercial tow truck operator:

(i) that has equipment
(A) meets the requirements
(B) has been classified
(ii) that participates
(iii) that meets the requirements
(b) (i) If the operator of a tow truck must hold a license for tow truck operators or have a license in Montana.

(ii) If the operator is a recognized certification experience in the towing industry.

(6) "Rotation area" means an area in which the operation of a tow truck is conducted.

(7) "Satellite operation" means a tow truck operation.
History: En. Sec. 3, Ch. 428, L. 2005.

61-8-904. Prohibited operation for compensation. A tow truck operator is prohibited from operating for compensation with the provisions of:
(2) A commercial tow truck system provided for in 61-8-905 through 61-8-907.
(3) Sections 61-8-905 through 61-8-907.
operator that does not meet the requirements.
History: En. Sec. 4, Ch. 428, L. 2005.

61-8-905. Classification of tow trucks. The following five classes of tow trucks are classified:

- (a) Class A tow truck with a boom rating of 4 tons and a gross weight rating of 10,000 pounds.
- (b) Class B tow truck with a boom rating of 8 tons and a gross weight rating of 18,000 pounds.
- (c) Class C tow truck with a boom rating of 16 tons and a gross weight rating of 32,000 pounds.
- (d) Class D tow truck with a manufacturer's gross weight rating of 32,000 pounds or more. The boom must be mounted on a chassis with a weight of the rollback a boom.

(e) Class E tow truck with a manufacturer's rating of 32,000 pounds or more. The boom must be mounted on a chassis with a weight of the rollback a boom. The tow truck must be certified by the manufacturer and not by the operator.

(2) An operator of a tow truck on October 1, 1995, that is not classified by its equipment classification system is classified as a Class A tow truck.

(3) An operator of a tow truck must have its equipment certified by the manufacturer and not by the operator. The tow truck must be recertified.

History: En. Sec. 4, Ch. 428, L. 2005.